

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JONATHON R. WINWARD, ) CASE NO. C09-0797-JCC  
Plaintiff, )  
v. ) REPORT AND RECOMMENDATION  
MICHAEL ASTRUE, Commissioner of the )  
Social Security Administration, )  
Defendants. )

Plaintiff Jonathon R. Winward brought this action to seek judicial review of the denial of his applications for Disability Insurance Benefits and Supplemental Security Income by the Commissioner of the Social Security Administration. The parties have now stipulated that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 24.)

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for an award of benefits. The parties have stipulated that, on remand, the Appeals Council will issue a decision finding plaintiff disabled as of February 15, 2007, his protective filing date. The parties agree that the evidence of record supports a finding that, as of February 15, 2007, the severity of the combination of plaintiff's impairments equals the severity of Listings 14.08(B)(2) and 14.08(J)(4). The parties further stipulate that, upon proper application, plaintiff is entitled to reasonable attorney fees and expenses pursuant

01 to 28 U.S.C. § 2412.

02           Given the above, the Court recommends that United States District Judge John C.  
03 Coughenour immediately approve this Report and Recommendation and order the case  
04 REVERSE and REMANDED for an award of benefits. A proposed order accompanies this  
05 Report and Recommendation.

06           DATED this 25th day of March, 2010.

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09 Mary Alice Theiler  
10 United States Magistrate Judge  
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